

## OFFICE COPY

Prepared By \_\_\_\_\_

Approved By \_\_\_\_\_

An act to amend Sections 25210.9 and 25214.10 of the Health and Safety Code, relating to hazardous waste, and making an appropriation therefor, to take effect immediately, bill related to the budget.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25210.9 of the Health and Safety Code is amended to read:

25210.9. (a) Except as provided in subdivisions (e), (f), and (g), on and after January 1, 2010, a person shall not manufacture general purpose lights for sale in this state that contain levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in the European Union pursuant to the RoHS Directive.

(b) Except as provided in subdivisions (e), (f), and (g), on and after January 1, 2010, a person shall not sell or offer for sale in this state a general purpose light under any of the following circumstances:

(1) The general purpose light being sold or offered for sale was manufactured on and after January 1, 2010, and contains levels of hazardous substances that would result in the prohibition of that general purpose light being sold or offered for sale in the European Union pursuant to the RoHS Directive.

(2) The manufacturer of the general purpose light sold or being offered for sale fails to provide the documentation to the department required by subdivision (h).

(3) The manufacturer of the general purpose light being sold or offered for sale does not provide the certification required in subdivision (i).

(c) For the purposes of this section, "RoHS Directive" ~~means Directive 2002/95/EC, adopted~~ has the following meanings:

(1) Prior to January 3, 2013, Directive 2009/95/EC adopted by the European Parliament and the Council of the European Union on January 27, 2003, on the

restriction of certain hazardous substances in electrical and electronic equipment, ~~as amended thereafter by the Commission of European Communities (13.2.2003 Official Journal of the European Union)~~ and its successive amendments, as shown in Part A of Annex VII of Directive 2011/65/EU adopted by the European Parliament and the Council of the European Union on June 8, 2011.

(2) On and after January 3, 2013, Directive 2011/65/EU adopted by the European Parliament and the Council of the European Union on June 8, 2011.

(d) The department shall determine the products covered by the RoHS Directive by reference to authoritative guidance published by the United Kingdom implementing the RoHS Directive in that country.

(e) (1) Except as provided in paragraph (2), subdivisions (a), (b), (h), and (i) do not apply to high output and very high output linear fluorescent lamps greater than 32 millimeters in diameter and preheat linear fluorescent lamps.

(2) On or after January 1, 2014, the department shall determine, in consultation with companies that manufacture lamps specified in paragraph (1) in the United States, if those lamps should be subject to the requirements of subdivisions (a), (b), (h), and (i), taking into consideration changes in lamp design or manufacturing technology that will allow for the removal or reduction of mercury.

(f) On and after January 1, 2012, for high intensity discharge lamps and compact fluorescent lamps greater than nine inches in length, subdivisions (a), (b), (h), and (i) shall be applicable.

(g) On and after January 1, 2014, for state-regulated general service incandescent lamps and enhanced spectrum lamps, as defined in subdivision (k) of Section 1602 of

Title 20 of the California Code of Regulations, subdivisions (a), (b), (h), and (i) shall be applicable.

(h) A manufacturer of general purpose lights sold or being offered for sale in California shall prepare and, at the request of the department, submit within 28 days of the date of the request, technical documentation or other information showing that the manufacturer's general purpose lights sold or offered for sale in this state comply with the requirements of the RoHS Directive.

(i) A manufacturer of general purpose lights sold or being offered for sale in California shall provide, upon request, a certification to a person who sells or offers for sale that manufacturer's general purpose lights. The certification shall attest that the general purpose lights do not contain levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in California. Alternatively, the manufacturer may display the certification required by this subdivision prominently on the shipping container or on the packaging of general purpose lights.

(j) The department may adopt regulations to implement and administer this article.

SEC. 2. Section 25214.10 of the Health and Safety Code is amended to read:

25214.10. (a) (1) For purposes of this section, "electronic device" has the same meaning as a "covered electronic device," as defined in Section 42463 of the Public Resources Code.

(2) For purposes of this section, and the regulations adopted pursuant to subdivision (b), "RoHS Directive" has the following meaning:

(A) Prior to January 3, 2013, Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003, on the restriction of certain hazardous substances in electrical and electronic equipment, and its successive amendments, as shown in Part A of Annex VII of Directive 2011/65/EU adopted by the European Parliament and the Council of the European Union on June 8, 2011.

(B) On and after January 3, 2013, Directive 2011/65/EU adopted by the European Parliament and the Council of the European Union on June 8, 2011.

(b) The department shall adopt regulations, in accordance with this section, that prohibit an electronic device from being sold or offered for sale in this state if the electronic device is prohibited from being sold or offered for sale in the European Union on and after its date of manufacture, to the extent that ~~Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003, and as amended thereafter by the Commission of European Communities,~~ the RoHS Directive prohibits that sale due to the presence of certain heavy metals.

(c) The regulations adopted to implement the prohibitions of Directive 2011/65/EU pursuant to subdivision (b) shall take effect ~~January 1, 2007, or on or after the date Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003, takes effect, whichever date is later~~ January 3, 2013.

(d) The department shall exclude, from the regulations adopted pursuant to this section, the sale of an electronic device that contains a substance that is used to comply

with the consumer, health, or safety requirements that are required by the Underwriters Laboratories, the federal government, or the state.

(e) In adopting regulations pursuant to this section, the department may not require the manufacture or sale of an electronic device that is different than, or otherwise not prohibited by, the European Union under ~~Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003~~ the RoHS Directive.

(f) (1) The department may not adopt any regulations pursuant to this section that impose any requirements or conditions that are in addition to, or more stringent than, the requirements and conditions expressly authorized by this section.

(2) In complying with this subdivision, the department shall use, in addition to any other information deemed relevant by the department, the published decisions of the Technical Adaptation Committee and European Union member states that interpret the requirements of ~~Directive 2002/95/EC~~ the RoHS Directive.

SEC. 3. The sum of one thousand dollars (\$1,000) is hereby appropriated from the Hazardous Waste Control Account to the Department of Toxic Substance Control to implement the changes made by this act to Sections 25210.9 and 25214.10 of the Health and Safety Code.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes

the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 5. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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Prepared By \_\_\_\_\_

Approved By \_\_\_\_\_

## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Hazardous substances: RoHS Directive.

(1) The California Lighting Efficiency and Toxics Reduction Act (lighting act) prohibits, except for under specified circumstances, a person from manufacturing, selling, or offering for sale in the state specified general purpose lights that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive, as defined. Existing law requires the Department of Toxic Substances Control to adopt regulations that prohibit the sale of an electronic device, as defined that is prohibited from being sold pursuant to a specified directive. A violation of a regulation adopted by the department pursuant to that provision, as part of the hazardous waste control laws, is a crime.

This bill would revise the definition of the term "RoHS directive" for purposes of the lighting act and would define the term "RoHS directive" for the purpose of the



regulations prohibiting the sale of those electronic devices. The revision and definition of that term would provide that, on and after January 3, 2013, RoHS Directive would mean Directive 2011/65/EU, as adopted by the European Parliament and the Council of the European Union on June 8, 2011. Since a violation of a regulation adopted by the department is a crime, the bill would impose a state-mandated local program.

(2) The bill would appropriate \$1,000 from the Hazardous Waste Control Account to the Department of Toxic Substances Control to implement the changes made by this act.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.